IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Appln No.l087 of 2006
in
First Appeal No.l699 of 2005
Shivmandir Karyakari Mandal and ors.. applicants
vs
M/s Rajesh Builders and others.. respondents
Mr Ashok G Toraskar for applicants
Mr. Bhushan Kakade i/b M/s Tamhane & Co for respondent no.l
Mr. A C Patki for respondent no.2

with

Civil Appln No.2980 of 2005
in
First Appeal No.l394 of 2005
Zuben Mistry authorised signatory for Rajsunderam CHS Ltd ..applicants
vs
Shivmandir Karyakari Mandal and ors. respondents
Mr Abhay L Patki for applicants
Mr. A.G.Toraskar for respondent no.l
Mr Kakade for respondent no 7

CORAM; A.M.KHANWILKAR J.

DATED 24.2.2006

P.C.

l. Heard the learned counsel for the parties. In my opinion, the arrangement as was directed by the trial court to be observed by the parties to facilitate the devotees to have access to Shiv Mandir from Shiv Vallabh Cross Road from north east side on Mahashivratri, will apply to the ensuing Mahashivaratri on 26.2.2006 as also future Mahashivaratri till the appeals are disposed of

provided timings mentioned in the order dated 24.4.2005 passed by the trial court to permit visitation rights, same will have to be observed by the parties i.e. between 6 a.m. to l2 noon and 5 p.m. to 9 p.m.

2. In addition to providing access to the devotees to Shiv Mandir from Shiv Vallabh Cross Road on Mahashivratri day of every year, such arrangement shall be allowed even on Ram Navami day and Shravani Somwar in the respective years till the pending appeals are finally disposed of.

3. In so far as providing access to the devotees on Mahashivratri day and Shravani Somwar day of every year, the counsel appearing for the appellants in cognate appeal has no objection in this behalf. The objection was regarding providing such facility on Ram Navami day as according to him no such festival is performed in the temple. Even so, in my opinion, the applicants are entitled to the relief as has been granted to them as mentioned before, for the simple reason that they have already succeeded before the trial court on merits. Till the appeals are finally disposed of by this court, in the interest of justice, the applicants and the devotees visiting Shiv Mandir are entitled

to this limited relief till then. Both applications are disposed in the above terms.